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EXAMINER

NGUYEN, CHI Q

| | |
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| ART UNIT | PAPER NUMBER |
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3635

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/048,018

Applicant(s)

MOREL, JEAN LOUIS

Examiner

Chi Q Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office action is in response to the applicant's amendment filed on 2/5/04.

Drawings

The drawings are objected to because there is foreign language labeled in figure 6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 1 is objected to because of the following informalities: the cited limitation "an additional groove similar and an additional post, and so that this case is filled with an insulating material, the stability of the structure..." is confusing. Clarification is required.

Claim 2 is objected to because of the following informalities: the cited limitation "panels having for width the three fourths, half or quarter of the dimension of the base panel, keeping the same height as the base panel" is confusing. Appropriate correction is required.

Claim 3 is objected to because of the following informalities: the cited limitation "each panel is separated from the next by a post of height equal to the height of the vertical struts..." is confusing. Clarification is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

As best understood, claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan (UK 2275944) in view of Sagstetter (US 5,372,678).

In regard to claims 1, 5, Donovan teaches wall panels comprising two rectangular plates 122a, 123a, maintained separated by at least one horizontal strut 128b, and at least one vertical strut 127 placed on a plurality of sides of the plates 122a, 123a, at a certain distance from their edges in order to constitute an interior case and an exterior groove 134 on a plurality of sides of the panel and by an additional strut defining one of an additional groove 135 similar and an additional post. The interior of the panel 200 may be filled with an insulating material 204, (col. 18, lines 24-25), a cross piece or tie 73 serves as a connector that connecting at least two adjacent panels and maintaining the panels tightly in place (fig. 12), and the structural shape defined by prefabricated angle parts (see figs. 13-14). Donovan does not teach specifically the material for panel plates are made of hydrosilicate and conifer cellulose base with a specific mass equal to or less than 350kg/m³, and thickness included between 3cm and 5cm.

Sagstetter teaches manufacture of calcium hydrosilicate bound fiberboard which including cellulose fibers in an amount of the mixing ingredient (see abstract). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Donovan with Sagstetter for the panels made out of hydrosilicate bound fiberboard including cellulose fibers. The motivation for doing would have been to improve the wall with better insulation, and lightweight overall structures. Donovan and

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Sagstetter teach the structural elements for the wall panels as stated except for the specific mass of the hydrosilicate and conifer cellulose equal to or less than 350kg/m³ and the thickness included between 3 and 5cm. The examiner considers this would have been an obvious design choice because the thicker panel would provide a better insulation for the wall.

In regard to claims 2, 3 Donovan teaches flooring or base panels 17 having rectangular shape (see fig. 1), the posts 124 and struts 127 having height equal to each other (fig. 13). In regard to claim 4, Donovan and Sagstetter teach the structural elements for the wall panels as stated except for the insulating material is an expanded volcanic sand mortar mixed with hydrosilicated and conifer cellulose base granulates, the examiner considers this would have been an obvious design choice because the mixture material with expanded volcanic sand mortar would be cheaper than only hydrosilicated and conifer cellulose base granulates alone.

Claims 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over In Donovan in view of Sagstetter and further in view of Henley (US 4,852,310).

Donovan and Sagstetter teach the structural elements for the wall panels as stated except for the crosspieces having a square or rectangular section. Henley teaches insulated building construction including rectangular wooden crosspieces 90 serve to connect wall panels in place. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Donovan and Sagstetter with Henley for the rectangular crosspieces. The motivation for doing so would have been to fit into the groove of each panel and connect all the wall panels together. Donovan, Sagstetter and

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Henley teach the structural elements for the wall as stated except for the distance of the struts from the edge of the plates is equal to half the side of the square or rectangular section of the crosspieces and posts and the interval between the interval between the plates is equal to the side of this square or rectangular section. It would have been obvious to one having ordinary skill in the art at the time the invention was made to adjust the distance of the struts from the edge of the plates is equal to half the side of the square or rectangular section of the crosspieces and posts and the interval between the interval between the plates is equal to the side of the section, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens, 101 USPQ (CCPA 1954)*. The motivation for doing so would have been to provide enough clearance for inter-fitting between groove and tongue of the two adjacent panels.

In regard to claims 12 and 13, Donovan, Sagstetter, and Henley teach the structural elements for the wall as stated except for the at least one crosspieces extending across two adjacent modular panels and being disposed within aligned horizontal grooves of the two adjacent modular panels. Although the solid, rectangular, wooden crosspieces 90 taught by Henley dispose outside of the panels' grooves. However, the examiner takes Official Notice that the solid, rectangular, wooden crosspieces 90 taught by Henley would have been performed the equivalent function such as aligning and connecting two adjacent modular panels together (see fig. 3).

In regard to the method claims 10 and 11, Donovan, Sagstetter, and Henley teach the structural elements for the insulated panel plates except for the method of installation as

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claimed by the applicant, examiner considers this to be the obvious method of setting up applicant's device because in forming an insulated wall, one must obviously erecting, positioning the posts or frames, installing insulated panel plates onto the posts, placing the cross pieces along the panel groove. Donovan, Sagstetter and Henley would be easily motivated to follow these steps to facilitate assembly to make a complete insulating wall.

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

1113.

CQN
5/25/04


Carl D. Friedman
Supervisory Patent Examiner
Group 3600